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REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed April 13, 2006. In the Office Action, the Examiner notes that claims 18-29 are pending and rejected and claims 1-17 and 30-31 are withdrawn from consideration. By this response, Applicants have herein amended claims 18 and 28. Claims 22 and 25 are hereby cancelled. Arguments refuting the Examiner's position are provided below.

In view of both the amendments presented above and the following discussion, Applicants submit that none of the claims now pending in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §§102 and 103.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

Election/Restrictions

The Examiner has made the restriction requirement final.

Rejections

35 U.S.C. §102

Claims 18-19, 21-24, and 26-29

The Examiner has rejected claims 18-19, 21-24, and 26-29 under 35 U.S.C. §102(e) as being clearly anticipated by Hanaya et al. (U.S. Patent No. 6,591,009, hereinafter "Hanaya"). Applicants respectfully traverse the rejection.

In general, Hanaya teaches a method for displaying program guide data. As taught in Hayana, a digital broadcast signal including compressed video data and compressed audio data, as well as program guide data, is received. The signal is demultiplexed and a display processor processes the program guide data so as to display a program guide window containing a number of program names. (Hanaya, Abstract).

As admitted by the Examiner in the Office Action, however, Hanaya fails to teach or suggest at least the limitation of "modifying a particular property of each of one or more decoded slices for presentation at locations on the user interface different from locations identified by headers of the decoded slices," as taught in Applicants' invention of at least claim 18. As such, Hanaya fails to disclose each and every element of the claimed invention, as arranged in the claim.

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added). The Hanaya reference fails to disclose each and every element of the claimed invention, as arranged in the claim.

As such, Applicants submit that independent claim 18 is not anticipated by Hanaya and is patentable under 35 U.S.C. §102(e). Furthermore, Applicants' independent claim 28 recites relevant limitations similar to those recited in independent claim 18 and, accordingly, for at least the same reasons discussed above, independent claim 18 also is not anticipated by Hanaya and is patentable under 35 U.S.C. §102(e). Claims 19, 21-24, 26-27 and 29 depend from independent claim 18 or 28 and recite additional limitations thereof. Therefore, for at least the same reasons discussed above, these dependent claims also are not anticipated by Hanaya and are patentable under 35 U.S.C. §102(e).

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103

Claims 20 and 25

The Examiner has rejected claims 20 and 25 under 35 U.S.C. §103(a) as being unpatentable over Hanaya in view of Ihara (U.S. Patent 6,266,813, hereinafter "Ihara"). Applicants respectfully traverse the rejection.

Claims 20 and 25 depend, directly or indirectly, from independent claim 18 and recite additional limitations thereof. Moreover, for at least the reasons discussed above,

the Hanaya reference fails to teach or suggest Applicants' invention of claim 18, as a whole. Furthermore, Ihara fails to bridge the substantial gap as between Hanaya and Applicants' invention of at least claim 18.

In general, Ihara teaches a digital broadcasting system for transmitting programs from a primary transmission system, such as a digital satellite broadcasting system, to a secondary transmission system, such as a cable television system. As taught in Ihara, television program are transmitted from the primary transmission system to the secondary transmission system. The secondary transmission system reedits and rebroadcasts the programs, and may rearrange the air time at which the programs received from the primary transmission system are rebroadcast in the secondary transmission system. The secondary transmission system changes the air time at which programs received from the primary transmission system are rebroadcast in the secondary transmission system using change information transmitted from the primary transmission system to the secondary transmission system in advance of the scheduled air time of the programs. (Ihara, Abstract; Col. 1, Lines 6-10).

More specifically, Ihara states:

> "In the series of processing, the program to be broadcast from the secondary transmission system is sent out according to the schedule held in the scheduler 86, and the schedule is changed properly according to the change information NETQ. In detail, for example in the case of baseball game relay broadcasting, the starting time of a commercial message, which is to be inserted irregularly, is detected in advance by means of the scheduler 86, the event of the schedule is executed at the starting time of the detected commercial message, and the commercial message held in the server 85 is thereby sent out instead of the commercial message supplied from the separation circuits 84A to 84N. As the result, even if the commercial message is broadcast irregularly, the commercial message broadcast from the satellite 22 is replaced with the desired commercial message.
>
> Similarly, by executing the event set to the schedule according to the change information NETQ, the air time of the program is moved down successively as required when the broadcasting program is prolonged.
>
> According to the structure described herein above, by transmitting the change information for indicating the broadcast content change a certain period of time in advance from the primary transmission system when the program is broadcast from the primary transmission system, the

broadcasting from the secondary transmission system can be rearranged easily and quickly correspondingly to the prolonged air time." (Ihara, Col. 10, Line 56 – Col. 11, Line 15, Emphasis added).

In other words, Ihara is merely directed toward changing the air time of a program. The changing of the air time of a television program, as taught in Ihara, simply does not teach or suggest presenting slices for a guide region of a user interface at locations on the user interface different from locations identified by headers of the decoded slices, much less modifying a particular property of each of one or more decoded slices for presentation at locations on the user interface different from locations identified by headers of the decoded slices, as taught in Applicants' invention of at least claim 18. Moreover, the changing of the air time of a program, as taught in Ihara, does not even teach or suggest anything having to do with an electronic programming guide or electronic programming guide data. As such, Ihara fails to teach or suggest at least the limitation of "modifying a particular property of each of one or more decoded slices for presentation at locations on the user interface different from locations identified by headers of the decoded slices," as taught in Applicants' invention of at least claim 18.

In the Office Action, the Examiner cites the changing of the air time of a television program for teaching program guide modification. More specifically, the Examiner states that "Ihara discloses...rearranging the air time of programs in the case where a broadcast program runs over it's allotted time..., thereby modifying a particular property of each of one or more decoded slices (the programs being broadcast) at locations on the user interface (where the programs will be displayed) from locations identified by headers of the decoded slices (the program guide data already received for display)." (Office Action, Pg. 7).

The Examiner cites the changing of the air time of programs being broadcast, as taught in Ihara, as teaching Applicants' limitation of modifying a particular property of each of one or more decoded slices. The slices taught in Applicants' invention of claim 18, however, include slices designated for presentation at particular slice locations in a guide region. By contrast, the Examiner parenthetically references the programs being broadcast for teaching Applicants' limitation of modifying a particular property of each of one or more decoded slices, however, a change in the air time at which a television

program is broadcast, as taught in Ihara, simply does not teach or suggest anything having to do with decoded slices designated for presentation at slice locations in a guide region, as taught in Applicants' invention of at least claim 18.

Furthermore, the Examiner parenthetically equates locations on a user interface where programs will be displayed with slice locations in a guide region of a user interface. First, the portion of Ihara cited by the Examiner is devoid of any teaching or suggestion of locations on a user interface where television programs will be displayed. Rather, Ihara is merely directed toward changing the time at which programs are aired. Second, even if Ihara did teach or suggest locations on a user interface where television programs will be displayed (which Applicants maintain Ihara does not), locations on a user interface where television programs will be displayed simply do not teach or suggest anything having to do with slice locations in a guide region of a user interface, much less modifying a particular property of each of one or more decoded slices for presentation at locations on the user interface different from locations identified by headers of the decoded slices, as taught in Applicants' invention of at least claim 18.

As such, the portions of Ihara cited by the Examiner for teaching Applicants' limitation of "modifying a particular property of each of one or more decoded slices for presentation at locations on the user interface different from locations identified by headers of the decoded slices" fail to teach or even suggest this limitation. Rather, the portion of Ihara cited by the Examiner merely states:

> "The present invention was accomplished to solve the above-mentioned problem, in the case that the information such as programs is transmitted from a digital satellite broadcasting system which is a primary transmission system to a cable television broadcasting system which is a secondary transmission system, the present invention provides a digital broadcasting system and a digital broadcast method which is capable of responding easily and quickly to prolongation of air time.
>
> To solve the above-mentioned problem, in the present invention, change information for indicating the content change of broadcasting which has been multiplexed together with the data string of the plurality of programs is provided to a secondary transmission system a certain period of time in advance of the scheduled time of the program corresponding to the change information.
>
> The data string is broadcast based on a multiplexed change

information for indicating the content change of broadcasting transmitted together with the data string in the secondary transmission system.

Change information for indicating the content change of broadcasting which has been multiplexed together with the data string of the plurality of programs is provided to a secondary transmission system a certain period of time in advance of the scheduled time of the program corresponding to the change information.

Because change information for indicating the content change of broadcasting which has been multiplexed together with the data string of the plurality of programs is provided to a secondary transmission system a certain period of time in advance of the scheduled time of the program corresponding to the change information, the secondary transmission system can detect the broadcast content change in advance and rearrange the air time.

Because the data string is broadcast based on a multiplexed change information for indicating the content change of broadcasting transmitted together with the data string in the secondary transmission system and the change information is transmitted in advance of the actual time of the change, the secondary transmission system can detect the broadcast content change in advance and rearrange the air time.

Because change information for indicating the content change of broadcasting which has been multiplexed together with the data string of the plurality of programs is provided to a secondary transmission system a certain period of time in advance of the scheduled time of the program corresponding to the change information, the secondary transmission system can rearrange the air time in response to the program content change based on the change information which the secondary transmission system has received in advance." (Ihara, Col. 2, Line 35 – Col. 3, Line 17, Emphasis added).

In other words, the cited portion of Ihara merely teaches that change information may be sent from the first transmission system to the second transmission system in order to enable the second transmission system to change the time at which a program is aired. Applicants respectfully invite the Examiner to indicate wherein in the cited portion of Ihara there is any teaching or suggestion of a guide region of a user interface. The cited portion of Ihara is completely devoid of any teaching or suggestion of any guide region, much less slices including respective headers indicative of a start location and a stop location for the slice, much less decoding slices for presentation at locations

on the user interface and modifying a particular property of each of one or more decoded slices for presentation at locations on the user interface, as taught in Applicants' invention of at least claim 18.

In other words, as described herein, Ihara is directed toward changing the air time of a program using change information. Ihara is completely devoid of any teaching or suggestion of any program guide modification. Rather, the few references made in Ihara to a program guide merely state that program guide data may be transmitted for presentation via a user interface. Ihara fails to teach or suggest how such program guide information may be transmitted. Similarly, Ihara fails to teach or suggest how such program guide information may be presented. As such, since Ihara fails to teach or suggest anything about program guide transmission or presentation, Ihara must also fails to teach or suggest modifying a particular property of each of one or more decoded slices for presentation at locations on the user interface different from locations identified by headers of the decoded slices, as taught in Applicants' invention of at least claim 18.

As such, the combination of Hanaya and Ihara merely teaches a system in which programs may be aired at a scheduled time or, alternatively, the air time may be changed, and in which a program guide may be transmitted. Hanaya is completely devoid of any teaching or suggestion of any modification of a property of a decoded slice for a guide region. Ihara is completely devoid of any teaching or suggestion of any modification of a property of a decoded slice for a guide region. Thus, the combination of Hanaya and Ihara must be completely devoid of any teaching or suggestion of any program guide modification. Thus, Hanaya and Ihara, alone or in combination, fail to teach or suggest at least the limitation of "modifying a particular property of each of one or more decoded slices for presentation at locations on the user interface different from locations identified by headers of the decoded slices," as taught in Applicants' invention of at least claim 18. Therefore, Hanaya and Ihara, alone or in combination, fail to teach or suggest Applicants' invention, as a whole.

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy,

110 USPQ 1021, 1024 (Fed. Cir. 1984) (emphasis added). Moreover, the invention as a whole is not restricted to the specific subject matter claimed, but also embraces its properties and the problem it solves. In re Wright, 6 USPQ 2d 1959, 1961 (Fed. Cir. 1988) (emphasis added). Hanaya and Ihara, alone or in combination, fail to teach or suggest Applicants' invention, as a whole.

Thus, Applicants submit that independent claim 18 is non-obvious and patentable over Hanaya in view of Ihara under 35 U.S.C. §103. Therefore, Applicants submit that dependent claims 20 and 25 are also not obvious and are patentable under 35 U.S.C. §103. Accordingly, Applicants respectfully request that the Examiner's rejection be withdrawn.

CONCLUSION

Thus, Applicants submit that none of the claims presently in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §§102 and 103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 7/13/06

E J Wall

Eamon J. Wall, Attorney
Registration No. 39,414
Attorney for Applicants

PATTERSON & SHERIDAN, LLP
595 Shrewsbury Avenue, Suite 100
Shrewsbury, New Jersey 07702
Telephone: 732-530-9404
Facsimile: 732-530-9808